REMARKS

ON THE

"TEN HOUR LAW,"

IN RHODE ISLAND HOUSE OF REPRESENTATIVES,

Wednesday, April 30, 1884,

BY E. L. FREEMAN, OF LINCOLN.

PUBLISHED BY REQUEST.

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REMARKS.

Mr. Freeman, of Lincoln, addressed the House as follows:

Mr. Speaker: Petitions signed by several thousand persons have been presented here asking the General Assembly to enact a law which shall restrict the time during which women and children may be employed in manufacturing establishments to ten hours per day, or sixty hours in a week. I am sorry that these petitioners are here; I am sorry that there is any need for these petitioners to come here and ask us to interpose between them and their employers. Much better would it have been if the owners of our manufacturing establishments had granted the request of these petitioners, or even without such request had of their own volition reduced the hours of labor to sixty hours per week.

In discussing the bill before us, the first question that we should examine and decide is, Has the General Assembly any right to interpose in the matter of contracts between employer and employé? Has it a right to say how many hours any one shall work? Has it a right to restrict the laborer in his privilege of contracting to work as many hours as his employer desires him to do? Has it a right to interfere with a person's right to dispose of his time as he shall see fit? Or has it a right to say that the employer shall not manage his business to suit himself and to run his manufactory when and how he pleases, provided he and those in his employ can agree?

These and similar inquiries are the ones propounded the other day by the gentlemen from Newport, who is unavoidably absent from his seat, and are questions that have agitated not only the business community but the writers on political economy for many years. They are not new questions, for they were propounded as long ago as the beginning of the present century. In Great Britain in 1802 an investigation ordered by the government revealed the fact that children of five, and even three years of age, were employed in the factories and brickyards; women were found working under ground in the mines, harnessed with

mules and drawing heavy loads; the hours of labor were thirteen, fourteen, fifteen and even more, for Mr. Homer, the government inspector, reported that in the lace mills of Nottingham children nine to fifteen years of age were frequently employed twenty hours on a stretch, from four o'clock in the morning until twelve o'clock at night.

Nor was this state of things confined to England, for Dr. Villeuné in his report to the French Academy, used the following language in regard to the factory laborers of Alsace: "The rents in the manufacturing towns and villages immediately adjoining, are so high that they are often obliged to live at the distance of a league, and even a league and a half. The poor children, many of whom are scarcely seven years old, some even younger, have to take from their sleep, and even from their meal hours, whatever time is required to traverse that long and weary road, in the morning to get to the factory and in the evening to get to their homes. To judge how excessive is the labor of children in these factories, one has only to recollect that it is unlawful to employ galley slaves more than twelve hours a day, and these twelve hours must be broken by two hours for meals, reducing the actual labor to ten hours a day, while the young people of whom I speak have to toil thirteen hours, and sometimes thirteen and one-half hours independent of their meal time."

The facts that were ascertained, not only in regard to the age of many of the children employed in the factories, and the excessive hours of labor, but also that much of the machinery had no proper guards for the protection of life and limb, and also that the atmosphere in these mills was so foul that no language could describe it, aroused the attention of thinking minds, and the question of regulating all these matters by law was pressed upon the attention of Parliament. It was opposed, however, by nearly the whole body of professional economists and theorists, both in and out of Parliament. They believed in the doctrine of free trade, and cared as little for the rights of the working people as their descendants ever have, and as the free-traders of to-day do. They claimed that the doctrine of *laissez faire*, or absolute non-interference by the government, should control; they asserted, as it is now done, and as we have heard on this floor, the entire competency of the laboring classes to protect their own interests; that interference by law in their behalf could only be mischievous to the laborers themselves, and they bitterly and persistently opposed every measure of restriction upon factory and workshop labor.

Acting upon the presumption that all classes of laborers were equal, and insisting that however miserable and weak, however over-borne by

circumstances and bound to his work by poverty and ignorance, however oppressed and degraded by his continual struggles to procure sufficient means of sustenance to prolong life, the factory laborer was still fully competent to protect himself against abuses if left free and untrammeled by the law, and that restrictions or limitations imposed on industry were obstructive.

They used the same line of argument that is urged now against the passage of this bill. We are told here that we have no right to restrict the right of any person to labor as long as he pleases. That we have no right to put the operative under guardianship, etc., etc.

That there is some force in these arguments is not to be denied; but it is equally true that there is much more of fallacy in them than might appear at the first glance. If the conditions of the employer and employé were equal, as those of two persons mutually desiring to trade commodities on equal terms; if labor was on an equal footing and had the same advantages as capital; if employers and employés alike understood and were willing to do that which was for the true and permanent interest of both, these positions might be sound. But these are not the conditions as a rule that exist between capital and labor. The employer on his part is too apt, in a greater or less degree to be unduly governed by his own interest. The desire to derive a large profit from his capital; wrong ideas of his duties and responsibilities toward his employés; a determination to successfully compete with others in the same line of business; a pride in being able to produce goods at a lower cost than his neighbors, all these and other motives may influence an employer who is naturally just and even generous, to such an extent that he will forget the rights of others and lead him to reduce wages, extend the hours of work, quicken the speed of his machinery, employ younger and cheaper help, and pinch and scrimp in all possible ways to carry his ends and accumulate a fortune speedily.

That this picture is not overdrawn, the official reports of the manner in which the factories of Great Britain and France were managed prior to their regulation by law clearly show. On the other hand we are told that the employé can take care of himself; if he does not like his employment he can adopt some other; if his employer does not treat him right, either in the amount of wages paid, or hours of labor, he can leave and seek a better situation; he is not a slave and cannot be forced to labor for one man or to stay in one place against his will, but is at perfect liberty to seek such occupation or such an employer as best suits him. This sounds well, but is it true? Let us examine it and see.

It is true that the skilled workman, receiving high wages so that he has more than a mere subsistence, especially if he is not blessed or burdened with a wife and family, can, unless overtaken by sickness or misfortune, ordinarily suit himself as to where and for whom he will labor; but is this true of the comparatively unskilled laborer? How much control have the factory operatives, especially the women and children, over their lot in life? What is the single laborer in one of our great manufactories? How much are his wishes consulted, and of what force is his will? He is completely subjected to the rule of discipline that prevails. If he is able to keep up and do the work assigned to him he is permitted to remain; if he is not able to fill the place he is thrown out of work and some one hired that can. When the machinery starts he must be at his post and there he is expected to remain until it stops. His personality disappears; in some cases even the instinct of self-preservation is lost, and as day after day rolls by his ambition and hopefulness vanish. This feeling of absolute helplessness, this subjection to discipline, this blind obedience to rules which he cannot in any degree modify, becomes still more complete in the case of women and children.

The Duke of Argyle characterized the factory legislation of England as the result of one of the great discoveries in the science of government, viz.: "The absolute necessity of imposing restrictions upon labor," and the good effects of the first law passed in 1802 were so apparent that additional legislation followed in 1816 and in 1831; in 1833 was passed the important act known as 3d and 4th William IV., which forbade night work in the case of all persons under 18 years of age, and limited their labor to twelve hours per day, inclusive of an hour and one-half for meals; it prohibited the employment of children under 9 years of age, and between the ages of 9 and 13 the hours were reduced to eight per day, while regulations were also made in relation to holidays, etc. The scope of these provisions has been extended year after year, till now they embrace all persons engaged in processes incidental to the manufacture of textile fabrics, and also to nearly every place or trade in which women and children are employed, and the hours of labor both for men and women have been still further reduced.

The practical results of this legislation have so completely refuted the theories of the political economists, that at the present time the right of Parliament not only to regulate and restrict the hours of labor, but also to make regulations pertaining to the physical, moral and social welfare of the laboring classes, and which directly interfere between employer and employè, is unquestioned in Great Britain, France, Germany

and other nations. But it is claimed that this is a land of liberty, and that all legislation that tends to interfere with the liberty of the person, be he high or low, rich or poor, is contrary to the spirit and genius of our institutions. Is this true? Freedom, according to the true American idea, does not consist in the throwing off of all restraints, and cannot be found either in anarchy or license. There is no true freedom where there is no law; the distinction between a despotic and a republican form of government is not that the one is a government of law and the other is without law, but rather that in the one the laws are made by a few persons for their personal aggrandizement and benefit, to the absolute detriment of the many, while in the other the laws are made by the will of the many for the best interests of the many, or, to put it in the language of the revered Abraham Lincoln, "A government of the people, for the people, and by the people."

Acting upon this principle, this State, as well as others, has passed laws prohibiting the employment of children in manufactories under a certain age, and only last year enacted a law which extended the age under which it shall not be lawful to employ children in factories, unless they shall have attended school a certain number of consecutive weeks within the previous year. This State claims the right to interfere for the purpose of preventing, restraining or prohibiting anything that is detrimental to the best interests of the children who are to be its citizens. It positively prohibits the sale of intoxicating liquors to minors or women; it prohibits the sale of fire-arms to children; it prohibits truancy, loafing, etc., etc. More than that, the exact principle of this act has been recognized and is now incorporated in chapter 169 of the Public Statutes.

Upon the ground that the health of its future citizens will be impaired, or their ability to serve the State be lessened, it has the right to prohibit both excessive hours of labor and labor at too early an age, as well as to regulate the conditions under which the labor shall be performed. But I will not enlarge upon this point. I believe that I have shown that the State has the right, as the guardian of the children and women, to regulate and limit the hours they shall be required to labor.

There is one other question which I will briefly consider: Will the proposed law be for the best interest of those whom it professes to benefit; or will its disadvantages outnumber its advantages? This is a question that can have but one answer if we ask those who toil in our manufacturing establishments, or those who have seen them in their homes. With many of them the labor of the day is not over when they have completed their task in the mill or other place of employment.

The instances are not few where the father having been taken away by death, or worse than that, fallen into such habits that he is a burden rather than a help, the mother and older children are compelled to work, leaving one or two younger ones at home, and in such cases the cooking and washing and mending required in the family are crowded into the hours that should be given to sleep.

There has been a great improvement in the condition of operatives and wage-workers in this State. I can remember when the mills in the larger villages were run twelve hours and more per day, while in some of the smaller places thirteen and even fourteen hours were required. The hours of labor of machinists and other workmen have been reduced until now ten hours is considered a day's work. All their conditions and surroundings have been improved. The employers of this State have, as a general rule, cared for the material wants of their employès much better than in other places. There are some of the most attractive villages in existence to be found along the valley of the Blackstone, where convenient and comfortable dwellings, with schools and churches and the means of social enjoyment, are furnished by the owners, and where there is but little known of want or suffering except as it comes from the indulgence of vicious habits. And yet who can doubt but that a lessening of the hours of labor, especially in the case of women and children, will prove a boon that will tend to the moral and social elevation of our laboring classes. Experience shows that it has always been so in the past, and in deciding what will be the effect of any proposed legislation, I know of no better guide.

I hope, Mr. Speaker, that the prayer of these petitioners will be granted. I hope that we shall not answer their request for bread by giving them a stone, or by contemptuously shutting our ears to their cries. I trust the bill will not be postponed, but that it will be passed, as I believe it is not only right in principle, but that it will in the end prove for the advantage of both employer and employe.

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